

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

NO. MJ 10-135

Plaintiff,

V.

MARK EDWARD PHILLIPS,

ORDER REVOKING BOND AND DETENTION ORDER

Defendant.

Offenses charged:

Wire fraud, in violation of 18 U.S.C. §1343 and 2.

Bond Revocation:

On March 30, 2010, defendant was arrested and made his initial appearance, at which time he was detained. Dkt. No. 4. On April 2, 2010, defendant appeared for an initial detention hearing, but in light of the need to prepare for the hearing, defendant stipulated without prejudice to continued detention. Dkt. No. 7. On April 15, 2010, defendant appeared for a contested detention hearing, after which, he was released on bond. Dkt. Nos. 11, 12.

On June 2, 2010, the Court received information that defendant violated the terms of his bond regarding a GPS requirement, but concurred with pretrial services' recommendation that no action be taken. Dkt. No. 18. On June 16, 2010, the defendant was charged with multiple violations of his bond. A two-day evidentiary hearing on these violations took place

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1 on July 1-2, 2010 before the undersigned Magistrate Judge. Defendant was found to have
2 committed violation 6-10 as alleged, and was found not to have committed violations 1-5 as
3 alleged. Defendant was released with further restrictions on his bond.

4 On August 18, 2010, Pretrial Services filed a Petition for Warrant for Defendant Under
5 Pretrial Services Supervision, alleging that the defendant had violated the terms and conditions
6 of his bond as follows:

7 Mark Edward Phillips has violated a standard condition of his appearance bond
8 requiring that he not commit a federal, state, or local crime during the period of
9 release, by committing the state offense of Unlawful Inhalation on August 15,
2010.

10 On August 18, 2010, the defendant made his initial appearance at a bond revocation
11 hearing before the Honorable John L. Weinberg, who advised defendant of his rights in
12 connection with the Petition for Warrant for Defendant Under Pretrial Services Supervision.
13 He was also advised of the bond violation allegations and requested an evidentiary hearing.
14 The evidentiary hearing took place on August 26, 2010 before the undersigned Magistrate
15 Judge. At the hearing, the defendant admitted the violation.

16 In light of the defendant's past multiple violations of his bond, and in light of his
17 seemingly non-controllable impulsive behavior established by this violation and preceding
18 violations, the defendant is a threat to himself and to others in the community if released. In
19 addition, his impulsive behavior makes it difficult, if not impossible, to ensure compliance with
20 the terms of his bond. Accordingly, his bond is revoked and he is to be remanded into custody.

21 Pursuant to CrR 32.1, CrR46(c) and 18 U.S.C. § 3142(f), and based upon the factual
22 findings and statement of reasons for detention hereafter set forth, finds:

23 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

24 (1) On April 15, 2010, defendant was released on bond with pretrial supervision
25 and special conditions.

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1 (2) The defendant has failed to abide by the terms of his bond, as set forth in the
2 bond violation allegations above.

3 (3) There appear to be no conditions or combination of conditions other than
4 detention that will reasonably address the defendant's risk of danger to himself or to the
5 community, or compliance with the terms of supervision.

6 IT IS THEREFORE ORDERED:

7 (1) Defendant's bond is hereby revoked;

8 (2) Defendant shall be detained pending trial and committed to the custody of the
9 Attorney General for confinement in a correction facility separate, to the extent practicable,
10 from persons awaiting or serving sentences or being held in custody pending appeal;

11 (3) Defendant shall be afforded reasonable opportunity for private consultation with
12 counsel;

13 (4) On order of a court of the United States or on request of an attorney for the
14 government, the person in charge of the corrections facility in which defendant is confined
15 shall deliver the defendant to a United States Marshal for the purpose of an appearance in
16 connection with a court proceeding; and

17 (5) The Clerk shall direct copies of this Order to counsel for the United States, to
18 counsel for the defendant, to the United States Marshal, and to the United States Pretrial
19 Services Officer.

20 DATED this 26th day of August, 2010.

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22 _____
23 JAMES P. DONOHUE
24 United States Magistrate Judge
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